

ORDINANCE NO. 18-CODE-772
BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, CHAPTER 59 ENTITLED "LAND USE AND ZONING, ARTICLE VII, "ZONING", TO ESTABLISH A CONDITIONAL USE IN THE INDUSTRIAL-1 ZONE

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to Chapter 59, "Land Use and Zoning Ordinance of the Borough of Oakland".

Section 1.

Section 59-44 is hereby amended to include in proper alphabetic order the following terms:

ADVERTISEMENT- Single message placed on a sign or sign face, also called a "display".

ADVERTISING STRUCTURE-Any rigid or semi-rigid material, with or without advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be displayed.

SIGN, COMMERCIAL- To be deleted from list of definitions.

SIGN, OFF-PREMISE-Any sign that does not meet the definition of an on-premises sign or is not identified in N.J.A.C. 16:41C-1.2(c).

SIGN, ON-PREMISE-A sign that identifies the proper name of the business or place where the sign is located or which identifies an actual bona fide and principal activity, product or service, or event that is conducted, available, offered, or produced on the property where the sign is located, including a sign that exclusively advertises the sale or lease of the property on which the sign is located. The storage of supplies or materials on the property does not indicate of itself an actual bona fide and principal activity, product, or use of the property. When a sign consists principally of a brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or when it brings any compensation to the property owner or to the owner of the sign, the sign shall be considered an off-premises sign used for the purpose of the business of outdoor advertising.

SIGN, MULTIPLE MESSAGING-A sign which changes message or copy electronically or by the movement or rotation of panels or slats.

SPECTACULAR SIGN, should be deleted from list of definitions.

SIGN, SPECTACULAR- A sign that has one (1) or more of the following elements in its physical structure:

- (1) Automatically changing advertising that changes more often than once every five (5) minutes (not including date, time, temperature and weather information);
- (2) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating or spotlights, or similar devices;
- (3) Lights or colored elements creating a continuously moving, shimmering, or prismatic effect; or
- (4) Rotating or moving parts.

SIGN, STATIC—A sign which does not change its message or copy automatically, such as by electronic or mechanical means.

V-TYPE CONSTRUCTION—A single structure having two faces in the shape of the letter “V” when viewed from above, with the faces oriented in opposite directions.

Section 2.

§59-47 Lot and building regulations, paragraph C. Height limitations is amended in the following particulars only:

- (1) No building shall hereafter be erected, re-constructed or structurally altered to exceed in height the limit designated in said schedule for the zone in which said building or structure is located, except the height limitations set forth in this chapter shall not apply to church spires; belfries; cupolas; penthouses; or roof structures for the housing of elevators, ventilating fans, air-condition equipment or similar equipment required to operate or maintain the building; utility poles; flagpoles; off-premise signs; television or radio antennas or aerials; CATV antennas; water storage towers and tanks; chimneys and smokestacks; stand pipes; fire and parapet walls; similar features; and necessary mechanical appurtenances usually carried above the roof level and with regard to off-premises sign, no such sign shall exceed the height limitation listed in §59-65.1. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes they are to serve. Nothing in this provision shall be deemed to permit on-premise signs of any kind to exceed the height limits for any district as prescribed in this chapter.

Section 3.

§59-48 Conformance to use regulations; lots in two zones shall be amended in the following particulars only;

- A. Use must conform. No building or structure shall hereafter be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be occupied by any use except for the use listed herein as permitted in the zone in which such land and building is located. In no case shall there be more than one (1) principal use or one (1) main building and its accessory building on one (1) lot, except in the I-1 Industrial zone a lot is permitted to be developed with one (1) principal use and/or one (1) main building and its accessory building and not more than 1 off-premise sign, which may be of V-type construction. Furthermore, in the I-1 Industrial zone an individual building, may be designed as to permit the use of said building by more than one (1) industry, provided that an application for such multiple use is approved by the Planning Board upon proper application and compliance with all other standards established by §59-54 and good planning principals and standards as used in reviewing site plan applications under Article VI of this chapter generally. In addition, in the I-P Industrial Park Zone there may be permitted a multiple tenancy of each building only as more specifically set forth in §59-55G of this chapter.

Section 4.

§59-54 I-1 and I-2 Industrial Zones shall and is amended to include a new paragraph D as set forth herein. Existing subparagraph D. and E. shall be re-lettered.

D. Conditional permitted uses. In the Industrial-1 zone only, the following use is permitted as a conditional use. Said conditional use shall comply with all the enumerated conditions as detailed in §59-65.1 hereof.

- (1) Off-premise signs.

Section 5.

§59-63 Signs shall be amended in the following particulars only:

- I. Signs in industrial, industrial office, professional office, industrial parks or corporate office zones.

In industrial, industrial office, professional office, industrial parks, or corporate office zone, no signs or advertising devices shall be used, placed, located or erected outside of or attached to the exterior of any building, except signs having not more than two (2) faces referring to the premises upon which they are displayed or to the services rendered therefrom, subject to the following conditions:

- (3) Nothing contained herein shall be construed to prohibit the installation or erection of an off-premise sign located in the Industrial-1 zone provided such off-premises sign conforms to each of the requirements as set forth in §59-65.1.

N. General prohibitions.

- (1) No signs or advertising devices, shall be used, placed, located, or erected except as specifically permitted by this section. Off-premise signs shall conform to the conditions set forth in §59-65.1 and be limited to the Industrial-1 zone only.
- (7) No billboard or sign shall be erected upon any roof of any building or structure, excepting an advertising structure. Required conditions all off-premise signs must comply with are codified in §59-65.1
- (9) No sign shall be erected except on the premises of use or activity to which such sign refers or which it identifies or advertises, i.e. no off-premise signs, except this prohibition shall not apply to off-premise signs located in the Industrial-1 zone and conforming to all the requirements contained within §59-65.1.
- (10) No sign advertising the products or anything other than the actual business of the person using the premises shall be permitted on the exterior of any building, except this prohibition shall not extend to off-premise signs conforming to §59-65.1 and located in the Industrial-1 zone.
- (12) Except for an off-premise sign in the Industrial-1 zone and conforming to each of the conditions set forth in §59-65.1, no permitted sign shall have a height of more than fifteen (15) feet and shall be set back at least fifteen (15) feet from the property line.

- (13) Except for an off-premise sign in the Industrial-1 zone conforming to the conditions established pursuant to §59-65.1, no billboard or billboard signs, freestanding or attached to buildings shall be permitted. No sign otherwise lawful under this section shall be prohibited because of this paragraph.

P. Lighting and illumination

- (7) Except for off-premise signs conforming to §59-65.1 located in the Industrial-1 district, internally illuminated signs must be visible only through lettering or other related graphic symbols. The background or field area of the sign must remain opaque and constitute no less than sixty percent (60%) of the area of the sign.
- (12) Except for off-premise signs conforming to §59-65.1 located in the Industrial-1 district, spectacular signs are prohibited, except that a sign located upon premises having frontage on a freeway may have moving or intermittent lights that are only used to give date, time and temperature information, or brief weather reports.

- Q. Sign variances. Any person who has been denied a sign erection permit by the Zoning Enforcement Official for any reason, may apply for a sign variance to the Board of Adjustment of the Borough.

Section 6.

§59-65.1 Conditional uses in non-residential zones.

- A. Within the Industrial-1 zone, the following are designated as conditional uses:
- (1) Off-premise signs.
- B. Conditional uses in the Industrial-1 zone shall comply with each of the specifications and standards set forth herein:
- (1) Maximum number of off-premise signs on any property shall be one (1).
- (2) Every lot which an off-premises sign is to be installed upon must border on an interstate highway right-of-way. In addition, the closest portion of such sign shall have a maximum setback from the highway right of way not to exceed ten (10) feet.
- (3) Off-premise signs shall be constructed so that the sign message(s) shall be oriented only toward an interstate highway.
- (4) V-type construction is an allowable design specification for off-premise signs in order to enable said sign to be viewed from both travel directions of said interstate highway.
- (5) No off-premises sign shall be located within 500 feet of an interchange, intersection at grade, or safety rest area measured along the pavement edge of the highway nearest those points.

- (6) The minimum spacing between off-premises signs shall be measured along the nearest edge of the pavement between points directly opposite the edge of the sign face nearest the pavement edge and shall be a minimum of 3,000 feet.
- (7) Off-premise signs shall not exceed 672 square feet in size. The dimensions of said sign shall not exceed 14 feet in a vertical dimension and 48 feet in a horizontal dimension. Cutouts and/or extensions are to be included in calculation of sign area.
- (8) The maximum height as measured between the interstate highway pavement crown and the top of the advertising structure, including extensions, if any, shall not exceed 70 feet.
- (9) Illumination of off-premise signs shall not be regulated pursuant to 59-63P (8), (9) or (10). Multiple message signs shall not operate at brightness levels of more than 0.3-foot candles above ambient light, as measured 250 feet from the source using a foot candle meter. Off-premises signs, shall be designed, constructed and operated such that sign illumination does not impair the safe operation of a motor vehicle or causes glare.
- (10) Multiple message signs shall contain a default design that will freeze a sign's display in one static position (e.g., one 'picture') if a malfunction occurs. The change from one display to another display shall be completely accomplished within one second or less and the entire display shall change at the same time. Each display shall remain fixed for an interval of at least eight (8) seconds.
- (11) Multiple message signs shall not display any image that is flashing, animated, moves or appears to move. No multiple message shall be illuminated by intermittent or moving light.
- (12) Applicants seeking approval for an off-premise sign shall secure and maintain appropriate permits from the New Jersey Department of Transportation pursuant to NJAC, Title 16 Transportation Chapter 41C Roadside Sign Control and Outdoor Advertising regulations.
- (13) Multiple message signs are permitted, and if proposed, shall comply with the requirements contained within N.J.A.C. 16:41C-11 multiple message signs, unless these regulations impose a greater requirement upon an applicant.
- (14) Applicants seeking approval for an off-premise sign shall secure either an exemption or approval from the New Jersey Highlands Council.
- (15) Regulation of service club and religious signs as defined by N.J.A.C. 16:41C shall be superseded by the provisions of N.J.A.C 16:41C-8.3 and not this ordinance.

Section 7.

All Ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 9.

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY


Lisa M. Duncan, Borough Clerk

By: 
Linda H. Schwager, Mayor

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on August 22, 2018

Borough Clerk

